



Reprinted
February 28, 2014

ENGROSSED SENATE BILL No. 421

DIGEST OF SB 421 (Updated February 27, 2014 4:22 pm - DI 92)

Citations Affected: IC 6-1.1; IC 23-14; IC 25-1; IC 25-2.1; IC 25-15; IC 25-20.2; IC 25-21.8; IC 25-22.5; IC 25-23.4; IC 25-26; IC 25-28.5; IC 25-30; IC 25-38.1; IC 30-2; IC 35-48; noncode.

Synopsis: Professional licensing matters. Allows a county fiscal body to waive certification requirements for certain members of the property tax assessment board of appeals appointed by the fiscal body. Establishes assessor, appraiser, and tax representative standards of conduct. Removes provision specifying that a crematory authority may deliver cremated remains to a funeral director in person or by
(Continued next page)

Effective: Upon passage; July 1, 2014.

Head, Kruse

(HOUSE SPONSORS — MCMILLIN, RHOADS)

January 14, 2014, read first time and referred to Committee on Commerce, Economic Development & Technology.

January 24, 2014, amended, reported favorably — Do Pass.

January 28, 2014, read second time, amended, ordered engrossed. Returned to second reading.

January 29, 2014, engrossed.

January 30, 2014, re-read second time, amended, ordered engrossed.

January 31, 2014, engrossed.

February 3, 2014, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 10, 2014, read first time and referred to Committee on Employment, Labor and Pensions.

February 25, 2014, amended, reported — Do Pass.

February 27, 2014, read second time, amended, ordered engrossed.

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registered mail. Replaces the regulated occupations evaluation committee with the jobs creation committee. Provides that the funds from certain professions may be used by that profession's board to pay for the administrative expenses of the profession. Makes a change to the definition of "attest" to concur with the Uniform Accountancy Act. Allows a member of the Indiana board of accountancy (board) to serve 3 terms. Creates a status of "retired" for certified public accountants. Increases the cap on the accountant investigative fund (fund) to \$1,000,000 and directs fines that can currently be imposed by the board to the fund. Removes the requirements that a home inspector's, massage therapist's, private investigator firm's, or security guard agency's insurance list the state as an additional insured. Delays the expiration of certain provisions concerning a certified direct entry midwife and penalties concerning the practice of midwifery. Requires a nonresident pharmacy to submit an inspection report from the applicant's home state. Allows a graduate from a foreign college of veterinary medicine who has a Program for the Assessment of Veterinary Medical Education Equivalence certificate to meet the qualification of graduating from an accredited college of veterinary medicine for purposes of certain licensure exemptions and for applying for a veterinary license. Provides that the state board of funeral and cemetery service (board) has 180 days to investigate a verified complaint. (Current law provides for a 60 day investigation.) Gives the board discretion to order restitution from the preneed consumer protection fund. Provides money in the controlled substances data fund to be used for the administration of the INSPECT program. (Current law allows money to be used for the operation of the INSPECT program.) Requires the Indiana professional licensing agency (agency) to report to the legislative council not later than October 1, 2014, concerning establishing a process for individuals in certain occupations to certify the individual's qualifications to be included on a list maintained by the agency. Makes technical corrections.



Reprinted
February 28, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 421

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-28-1, AS AMENDED BY P.L.182-2009(ss),
2 SECTION 166, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Each county shall have a
4 county property tax assessment board of appeals composed of
5 individuals who are at least eighteen (18) years of age and
6 knowledgeable in the valuation of property. At the election of the board
7 of commissioners of the county, a county property tax assessment
8 board of appeals may consist of three (3) or five (5) members appointed
9 in accordance with this section.
10 (b) This subsection applies to a county in which the board of
11 commissioners elects to have a five (5) member county property tax
12 assessment board of appeals. In addition to the county assessor, only
13 one (1) other individual who is an officer or employee of a county or
14 township may serve on the board of appeals in the county in which the
15 individual is an officer or employee. Subject to subsections (g) and (h),

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the fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two or level three assessor-appraiser.

The fiscal body may waive the requirement in this subsection that one (1) of the members appointed by the fiscal body must be a certified level two or level three assessor-appraiser. Subject to subsections (g) and (h), the board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) members may be of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

(c) This subsection applies to a county in which the board of commissioners elects to have a three (3) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (g) and (h), the fiscal body of the county shall appoint one (1) individual to the board. The member appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. **The fiscal body may waive the requirement in this subsection that the member appointed by the fiscal body must be a certified level two or level three assessor-appraiser.** Subject to subsections (d) and (e), the board of commissioners of the county shall appoint two (2) freehold members so that not more than two (2) of the three (3) members may be of the same political party and so that at least two (2) of the three (3) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

(d) A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide



1 administrative support to the property tax assessment board of appeals.
 2 The county assessor is a nonvoting member of the property tax
 3 assessment board of appeals. The county assessor shall serve as
 4 secretary of the board. The secretary shall keep full and accurate
 5 minutes of the proceedings of the board. A majority of the board that
 6 includes at least one (1) certified level two or level three
 7 assessor-appraiser constitutes a quorum for the transaction of business.
 8 Any question properly before the board may be decided by the
 9 agreement of a majority of the whole board.

10 (e) The county assessor, county fiscal body, and board of county
 11 commissioners may agree to waive the requirement in subsection (b)
 12 or (c) that not more than three (3) of the five (5) or two (2) of the three
 13 (3) members of the county property tax assessment board of appeals
 14 may be of the same political party if it is necessary to waive the
 15 requirement due to the absence of certified level two or level three
 16 Indiana assessor-appraisers:

- 17 (1) who are willing to serve on the board; and
- 18 (2) whose political party membership status would satisfy the
- 19 requirement in subsection (b) or (c).

20 (f) If the board of county commissioners is not able to identify at
 21 least two (2) prospective freehold members of the county property tax
 22 assessment board of appeals who are:

- 23 (1) residents of the county;
- 24 (2) certified level two or level three Indiana assessor-appraisers;
- 25 and
- 26 (3) willing to serve on the county property tax assessment board
- 27 of appeals;

28 it is not necessary that at least three (3) of the five (5) or two (2) of the
 29 three (3) members of the county property tax assessment board of
 30 appeals be residents of the county.

31 (g) Except as provided in subsection (f), the term of a member of the
 32 county property tax assessment board of appeals appointed under this
 33 section:

- 34 (1) is one (1) year; and
- 35 (2) begins January 1.

36 (h) If:

- 37 (1) the term of a member of the county property tax assessment
- 38 board of appeals appointed under this section expires;
- 39 (2) the member is not reappointed; and
- 40 (3) a successor is not appointed;

41 the term of the member continues until a successor is appointed.

42 (i) **An:**



1 (1) employee of the township assessor or county assessor; or
 2 (2) appraiser, as defined in IC 6-1.1-31.7-1;
 3 may not serve as a voting member of a county property tax
 4 assessment board of appeals in a county where the employee or
 5 appraiser is employed.

6 SECTION 2. IC 6-1.1-35.7 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2014]:

9 **Chapter 35.7. Assessor, Appraiser, and Tax Representative**
 10 **Standards of Conduct**

11 **Sec. 1.** As used in this chapter, "appraiser" has the meaning set
 12 forth in IC 6-1.1-31.7-1.

13 **Sec. 2.** As used in this chapter, "tax representative" means a
 14 person who represents another person at a proceeding before the
 15 property tax assessment board of appeals or the department. The
 16 term does not include:

- 17 (1) the owner of the property (or person liable for the taxes
- 18 under IC 6-1.1-2-4) that is the subject of the appeal;
- 19 (2) a permanent full-time employee of the owner of the
- 20 property (or person liable for the taxes under IC 6-1.1-2-4)
- 21 who is the subject of the appeal;
- 22 (3) a representative of a local unit of government appearing
- 23 on behalf of the unit;
- 24 (4) a certified public accountant, when the certified public
- 25 accountant is representing a client in a matter that relates
- 26 only to personal property taxation; or
- 27 (5) an attorney who is a member in good standing of the
- 28 Indiana bar or any person who is a member in good standing
- 29 of any other state bar and who has been granted leave by the
- 30 department to appear pro hac vice.

31 **Sec. 3. (a)** An individual who is a township assessor, a county
 32 assessor, an employee of the township assessor or county assessor,
 33 or an appraiser shall adhere to the Uniform Standards of
 34 Professional Appraisal Practice in the performance of the
 35 individual's duties.

36 **(b)** An individual who is a township assessor, a county assessor,
 37 an employee of the township assessor or county assessor, or an
 38 appraiser shall not do any of the following:

- 39 (1) Conduct an assessment that includes the reporting of a
- 40 predetermined opinion or conclusion.
- 41 (2) Misrepresent the individual's role when providing
- 42 valuation services that are outside the practice of property



assessment.

(3) Communicate assessment results with the intent to mislead or defraud.

(4) Communicate a report that the individual knows is misleading or fraudulent.

(5) Knowingly permit an employee or other person to communicate a misleading or fraudulent report.

(6) Engage in criminal conduct.

(7) Willfully or knowingly violate the requirements of IC 6-1.1-35-9.

(8) Perform an assessment in a grossly negligent manner.

(9) Perform an assessment with bias.

(10) Advocate for an assessment. However, this subdivision does not prevent a township assessor, a county assessor, an employee of the county assessor or township assessor, or an appraiser from defending or explaining the accuracy of an assessment and any corresponding methodology used in the assessment at a preliminary informal hearing, during settlement discussions, at a public hearing, or at the appellate level.

Sec. 4. (a) A township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser:

(1) must be competent to perform a particular assessment;

(2) must acquire the necessary competency to perform the assessment; or

(3) shall contract with an appraiser who demonstrates competency to do the assessment.

(b) The department may revoke the certification of a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser under 50 IAC 15 for gross incompetence in the performance of an assessment.

(c) An individual whose certification is revoked by the department under subsection (b) may appeal the department's decision to the certification appeal board established under subsection (d). A decision of the certification appeal board may be appealed to the tax court in the same manner that a final determination of the department may be appealed under IC 33-26.

(d) The certification appeal board is established for the sole purpose of conducting appeals under this section. The board consists of the following seven (7) members:

(1) Two (2) representatives of the department appointed by the commissioner of the department.



(2) Two (2) individuals appointed by the governor. The individuals must be township or county assessors.

(3) Two (2) individuals appointed by the governor. The individuals must be licensed appraisers.

(4) One (1) individual appointed by the governor. The individual must be a resident of Indiana.

The commissioner of the department shall designate a member appointed under subdivision (1) as the chairperson of the board. Not more than four (4) members of the board may be members of the same political party. Each member of the board serves at the pleasure of the appointing authority.

(e) The certification appeal board shall meet as often as is necessary to properly perform its duties. Each member of the board is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 5. (a) The department may revoke a certification issued under 50 IAC 15 for not more than three (3) years if the department determines by a preponderance of the evidence that the township assessor, county assessor, employee of the township assessor or county assessor, or appraiser violated any provision of this chapter.

(b) If an appraiser's certification is revoked:

(1) any contract for appraisal of property in Indiana that the appraiser has entered into is void; and

(2) the appraiser may not receive any additional payments under the contract.

(c) A contract entered into by an appraiser for appraisal of property in Indiana must contain a provision specifying that the contract is void if the appraiser's certification is revoked under this chapter.

Sec. 6. A tax representative may not do any of the following:

(1) Use or participate in the use of any false, fraudulent, unduly influencing, coercive, unfair, misleading, or deceptive statement or claims with respect to any matter relating to the practice before the property tax assessment board of appeals or the department.



(2) Knowingly misrepresent any information or act in a fraudulent manner.

(3) Prepare documents or provide evidence in a property assessment appeal unless the representative is authorized by the property owner (or person liable for the taxes under IC 6-1.1-2-4) to do so and any required authorization form has been filed.

(4) Knowingly submit false or erroneous information in a property assessment appeal.

(5) Knowingly fail to use the appraisal standards and methods required by rules adopted by the department, Indiana board, or property tax assessment board of appeals when the representative submits appraisal information in a property assessment appeal.

(6) Knowingly fail to notify the property owner (or person liable for the taxes under IC 6-1.1-2-4) of all matters relating to the review of the assessment of taxpayers' property before the property tax assessment board of appeals or the department, including, but not limited to, the following:

(A) The tax representative's filing of all necessary documents, correspondence, and communications with the property tax assessment board of appeals or department.

(B) The dates and substance of all hearings, onsite inspections, and meetings.

Sec. 7. The department may revoke the certification of a tax representative for the following:

(1) Violation of any rule applicable to certification or practice before the department, the Indiana board, or the property tax assessment board of appeals.

(2) Gross incompetence in the performance of practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(3) Dishonesty, fraud, or material deception committed while practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(4) Dishonesty, fraud, material deception, or breach of fiduciary duty committed against the tax representative's employer or business associates.

(5) Violation of the standards of ethics or rules of solicitation adopted by the department.

SECTION 2. IC 23-14-31-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 45. (a) After



1 completion of the cremation process, if a crematory authority existing
 2 on cemetery property has not been instructed to arrange for the
 3 interment, entombment, inurnment, or scattering of the cremated
 4 remains, the crematory authority shall deliver the cremated remains to
 5 the funeral director of record not later than thirty (30) days after the
 6 date of cremation. ~~The delivery may be made in person or by registered~~
 7 ~~mail.~~ After delivery of the cremated remains, the crematory authority
 8 is discharged from any legal obligation or liability concerning the
 9 disposition of the cremated remains.

10 (b) A funeral director may hold remains returned by a crematory
 11 authority for not longer than sixty (60) days from the date of cremation
 12 and may dispose of the remains as previously arranged, or if no
 13 arrangement has been made, at the end of sixty (60) days, in any legal
 14 manner.

15 (c) A funeral director and crematory authority shall observe
 16 religious practices or preferences specified by the authorizing agent.

17 SECTION 1. IC 25-1-16-3, AS ADDED BY P.L.84-2010,
 18 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 3. As used in this chapter, "committee" means the
 20 ~~regulated occupations evaluation jobs creation~~ committee established
 21 by section 6 of this chapter.

22 SECTION 2. IC 25-1-16-4, AS ADDED BY P.L.84-2010,
 23 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: Sec. 4. As used in this chapter, "license" means:

- 25 (1) an unlimited license, **permit**, certificate, or **certificate of**
 26 registration;
- 27 (2) a **temporary**, limited, or probationary license, **permit**,
 28 certificate, or **certificate of** registration;
- 29 ~~(3) a temporary license, certificate, registration, or permit;~~
- 30 ~~(4)~~ (3) an intern permit; or
- 31 ~~(5)~~ (4) a provisional license;

32 issued by the board regulating the regulated occupation in question.
 33 **"Licensed" has a corresponding meaning.**

34 SECTION 3. IC 25-1-16-4.5 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2014]: Sec. 4.5. As used in this chapter, "office" refers to the
 37 **office of management and budget.**

38 SECTION 4. IC 25-1-16-6, AS ADDED BY P.L.84-2010,
 39 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 6. The ~~regulated occupations evaluation jobs~~
 41 **creation** committee is established.

42 SECTION 5. IC 25-1-16-7, AS ADDED BY P.L.84-2010,



SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The committee consists of the following individuals:

(1) The ~~dean~~ **executive director** of the ~~Indiana University School of Public and Environmental Affairs~~ **agency** or the ~~dean's~~ **executive director's** designee. The ~~dean~~ **executive director** or the ~~dean's~~ **executive director's** designee shall serve as chairperson of the committee.

(2) The director of the ~~agency~~ **office** or the director's designee.

(3) The attorney general or the attorney general's designee, **as a nonvoting member.**

(4) An individual appointed by the governor who represents an association that has small businesses, small business owners, or licensed professionals as a majority of its members, as a nonvoting member. The member serves at the pleasure of the governor.

~~(4)~~ **(5)** Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

~~(5)~~ **(6)** Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection ~~(a)(4)~~ **or (a)(5) or (a)(6)** is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

(d) Notwithstanding any other law, the term of a member appointed before July 1, 2014, under subsection (a)(5) or (a)(6) expires on July 1, 2014.

SECTION 6. IC 25-1-16-8, AS ADDED BY P.L.84-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The committee shall review and evaluate each regulated occupation **and board**. The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) An assessment of the necessity, burden, and alternatives to the licenses issued by the board.



1 **(5) An assessment of the fees that the board charges for**
 2 **licenses.**

3 ~~(4)~~ **(6)** Any other criteria identified by the committee.

4 (b) The committee shall prepare a report concerning each regulated
 5 occupation **and board** that the committee reviews and evaluates. The
 6 report must contain the following:

7 (1) The number of individuals who are licensed in the regulated
 8 occupation.

9 (2) A summary of the board's functions and actions.

10 (3) The budget and other fiscal factors of regulating the regulated
 11 occupation, **including the actual cost of administering license**
 12 **applications, renewals, and issuing licenses.**

13 (4) An assessment of the effect of the regulated occupation on the
 14 state's economy, including consumers and businesses.

15 (5) Any recommendations for legislation, including whether:

16 **(A) the regulation of** a regulated occupation should be
 17 modified;

18 **(B) the board should be** combined with another board; **or**

19 **(C) whether the board or the regulation of the regulated**
 20 **occupation should be** terminated;

21 **(D) whether a license should be eliminated; or**

22 **(E) whether multiple licenses should be consolidated into**
 23 **a single license.**

24 (6) Any recommendations for administrative changes.

25 **(7) Information that supports the committee's**
 26 **recommendations.**

27 **(c) This section does not apply to fees that support dedicated**
 28 **funds. After the committee has reviewed and evaluated a regulated**
 29 **occupation and board, the committee shall provide the agency and**
 30 **the board that is the subject of the committee's evaluation with**
 31 **recommendations for fees that the board should charge for**
 32 **application fees, renewal fees, and fees to issue licenses. The**
 33 **recommendation for fees must comply with the requirements**
 34 **under IC 25-1-8-2. However, the recommendation must not exceed**
 35 **the lesser of either one hundred dollars (\$100) or the actual**
 36 **administrative cost to process the application or renew or issue the**
 37 **license.**

38 SECTION 7. IC 25-1-16-10, AS ADDED BY P.L.84-2010,
 39 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 10. The committee shall establish a schedule to
 41 review and evaluate each regulated occupation. Each regulated
 42 occupation must be reviewed and evaluated at least every ~~seven~~ **(7)**



1 **five (5) years.**

2 SECTION 8. IC 25-1-16-11, AS ADDED BY P.L.84-2010,
3 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 11. (a) The ~~agency~~ **office** shall provide staff and
5 administrative support to the committee.

6 (b) The committee may hire, with approval of the director of the
7 ~~agency~~, **office**, an individual to assist the committee.

8 (c) The expenditures of the committee shall be paid from
9 appropriations to the ~~agency~~. **office.**

10 SECTION 9. IC 25-1-16-13, AS ADDED BY P.L.84-2010,
11 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 13. The committee shall submit a report to the:

13 (1) governor; **and**

14 ~~(2) health finance commission; and~~

15 ~~(3) (2) legislative services agency;~~

16 not later than July 1 of each year. The report submitted to the
17 legislative services agency must be in an electronic format under
18 IC 5-14-6.

19 SECTION 10. IC 25-1-16-14 IS ADDED TO THE INDIANA
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2014]: **Sec. 14. The committee shall seek**
22 **public input when considering any proposals or reports concerning**
23 **the elimination of a license or change to a regulated occupation.**

24 SECTION 11. IC 25-1-16-15 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2014]: **Sec. 15. The committee shall review**
27 **and evaluate a proposal to license a new occupation upon the**
28 **request of any of the following:**

29 (1) **A member of the general assembly.**

30 (2) **A legislative staff member on behalf of a member of the**
31 **general assembly.**

32 (3) **A member of the legislative services agency on behalf of a**
33 **member of the general assembly.**

34 SECTION 12. IC 25-2.1-1-3.8, AS AMENDED BY P.L.190-2007,
35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2014]: Sec. 3.8. "Attest" means to provide any of the
37 following financial statement services:

38 (1) An audit or other engagement performed in accordance with
39 the AICPA Statements on Auditing Standards (SAS) or other
40 similar standards adopted by reference under IC 25-2.1-2-15.

41 (2) A review of a financial statement performed in accordance
42 with the AICPA Statements on Standards for Accounting and



Review Services (SSARS) or other similar standards adopted by reference under IC 25-2.1-2-15.

(3) An examination of prospective financial information performed in accordance with the AICPA Statements on Standards for Attestation Engagements (SSAE) or other similar standards adopted by reference under IC 25-2.1-2-15.

(4) An engagement performed in accordance with the standards of the Public Company Accounting Oversight Board.

(5) An examination, a review, or an agreed upon procedure to be performed in accordance with the SSAE, other than an examination described in subdivision (3).

SECTION 13. IC 25-2.1-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) "Report", when used with reference to ~~financial statements~~, **any attest or compilation service**, means an opinion, **report**, or other form of language that states or implies assurance as to the reliability of ~~any~~ **the attested information or compiled** financial statements and that also includes or is accompanied by any statement or implication that the individual or firm issuing it has special knowledge or competence in accounting or auditing. The statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the individual is an accountant or auditor or from the language of the report.

(b) The term includes any form of language that disclaims an opinion when the form of the language is conventionally understood to imply any positive assurance as to:

(1) the reliability of the **attested information or compiled** financial statements referred to; or

(2) special competence on the part of the individual or firm issuing the language.

(c) The term includes any other form of language that is conventionally understood to imply an assurance or special knowledge or competence described in subsection (b).

SECTION 14. IC 25-2.1-2-4, AS AMENDED BY P.L.190-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A member of the board serves a term of three (3) years and until the member's successor is appointed and qualified.

(b) An individual may not serve more than ~~two (2)~~ **three (3)** complete terms. An appointment to fill an unexpired term is not a complete term.

(c) All terms expire on June 30.



SECTION 15. IC 25-2.1-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (c), to renew a certificate under this chapter an applicant must complete one hundred twenty (120) hours of continuing professional education during a three (3) year period with a minimum of twenty (20) hours each year.

(b) The board may prescribe the content, duration, and organization of continuing professional education courses that contribute to the general professional competence of the applicant.

(c) If a licensee desires to discontinue the practice of accountancy in Indiana, the licensee may select inactive **or retired** status on the renewal form. A licensee selecting inactive **or retired** status may renew a certificate under this chapter without completing the continuing professional education courses required by subsection (a).

(d) The board may establish the following:

(1) Prorated continuing professional education requirements to be met by applicants whose initial certificates were issued substantially less than three (3) years before the renewal date.

(2) Special lesser requirements to be met by applicants for certificate renewal whose prior certificates lapsed substantially before their applications for renewal or for an inactive **or retired** licensee who wishes to reactivate the licensee's license, when it would be inequitable to require a full compliance with all requirements of continuing professional education that would have been applicable to the period of lapse.

SECTION 16. IC 25-2.1-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An applicant for initial issuance or renewal of a permit to practice under this chapter must show that:

(1) a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to holders of an active CPA certificate issued under this article or a corresponding certificate that is issued after examination by another state; and
(2) the partners, officers, shareholders, members, or managers whose principal place of business is in Indiana and who practice accountancy in Indiana hold a valid CPA certificate issued under this article.

(b) For firms of public accountants, at least a simple majority of ownership of the firm, in terms of financial interests and voting rights, must belong to public accountants certified under IC 25-2.1-6.

(c) A firm issued a permit under this section may include



1 nonlicensee owners if:

2 (1) the firm designates a licensee who is responsible for the
3 proper registration of the firm and identifies that individual to the
4 board;

5 (2) all nonlicensee owners are active individual participants in the
6 CPA or PA firm or affiliated entities; and

7 (3) the firm complies with the other requirements that the board
8 may impose by rule.

9 (d) An individual licensee who is responsible for supervising attest
10 or compilation services and signs or authorizes an individual to sign the
11 accountant's report ~~on the financial statements~~ on behalf of the firm
12 shall meet the competency requirements set out in the professional
13 standards adopted by the board for the services.

14 (e) An individual licensee who signs or authorizes an individual to
15 sign the accountant's report ~~on the financial statements~~ on behalf of the
16 firm shall meet the competency requirement of subsection (d).

17 SECTION 17. IC 25-2.1-8-4, AS ADDED BY P.L.190-2007,
18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2014]: Sec. 4. (a) The accountant investigative fund is
20 established to provide funds for administering and enforcing the
21 provisions of this article, including investigating and taking
22 enforcement action against violators of this article. The fund shall be
23 administered by the Indiana professional licensing agency.

24 (b) The expenses of administering the fund shall be paid from the
25 money in the fund. The fund consists of:

26 (1) money from a fee imposed upon a person who holds a
27 certificate as an accounting practitioner, a CPA, or a PA under
28 IC 25-2.1-2-12(b); ~~and~~

29 (2) civil penalties collected under IC 25-2.1-13-3(b); **and**

30 **(3) civil penalties collected under IC 25-1-11-12.**

31 (c) The treasurer of state shall invest the money in the fund not
32 currently needed to meet the obligations of the fund in the same
33 manner as other public money may be invested.

34 (d) Money in the fund at the end of a state fiscal year does not revert
35 to the state general fund. However, if the total amount in the fund
36 exceeds ~~seven hundred fifty thousand dollars (\$750,000)~~ **one million**
37 **dollars (\$1,000,000)** at the end of a state fiscal year after payment of
38 all claims and expenses, the amount that exceeds ~~seven hundred fifty~~
39 ~~thousand dollars (\$750,000)~~ **one million dollars (\$1,000,000)** reverts
40 to the state general fund.

41 (e) Money in the fund is continually appropriated to the Indiana
42 professional licensing agency for its use in administering and enforcing



1 this article and conducting investigations and taking enforcement
2 action against persons violating this article.

3 (f) The attorney general and the Indiana professional licensing
4 agency may enter into a memorandum of understanding to provide the
5 attorney general with funds to conduct investigations and pursue
6 enforcement action against violators of this article.

7 (g) The attorney general and the Indiana professional licensing
8 agency shall present the memorandum of understanding annually to the
9 board for review.

10 SECTION 18. IC 25-2.1-12-2 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as
12 provided in subsection (b), an individual or a firm not holding a valid
13 CPA or public accountant certificate under this article or permit under
14 IC 25-2.1-5 may not issue a report on financial **or attested** statements
15 of another individual, member, organization, or governmental unit.

16 (b) Notwithstanding subsection (a):

- 17 (1) an officer, a partner, or an employee of a firm or an
18 organization may sign a statement or report in reference to the
19 financial affairs of the firm or organization with any wording
20 designating the position, title, or office that the signor holds; and
- 21 (2) a public official or employee may, in the performance by an
22 individual of other services, use accounting skills, including the
23 preparation of tax returns, management advisory services, and the
24 preparation of financial statements without the issuance of reports
25 related to those documents.

26 (c) A CPA or public accountant may not issue a report in standard
27 form upon a compilation of financial information through any form of
28 business that does not hold a valid permit issued under IC 25-2.1-5
29 unless the report discloses the name of the business through which the
30 individual is issuing the report, and the individual:

- 31 (1) signs the compilation report identifying the individual as a
32 CPA or public accountant; and
- 33 (2) meets the competency requirement provided in applicable
34 standards.

35 SECTION 19. IC 25-2.1-12-4 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual
37 may not use the title or designation "certified public accountant", the
38 abbreviation "CPA", or any other title, designation, words, letters,
39 abbreviation, sign, card, or device tending to indicate that the
40 individual is a certified public accountant unless the individual:

- 41 (1) holds a valid CPA certificate;
- 42 (2) meets the substantial equivalency standards of this article; or



(3) is an employee of a firm holding a permit under IC 25-2.1-5 and has not been an employee long enough to meet the experience requirement under IC 25-2.1-3-10 for a certificate.

(b) A licensee who has selected inactive status on the licensee's renewal form may not use the title or designation "certified public accountant" or the abbreviation "CPA" unless the title, designation, or abbreviation is immediately followed by the word "inactive".

(c) A licensee who has selected retired status on the renewal form of the licensee may not use the title or designation "certified public account" or the abbreviation "CPA" unless the title, designation, or abbreviation is immediately followed by the word "retired".

SECTION 20. IC 25-2.1-13-3, AS AMENDED BY P.L.190-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) An individual or a firm who knowingly violates IC 25-2.1-12 commits a Class A misdemeanor.

(b) If the board finds that an individual or a firm ~~knowingly~~ violates IC 25-2.1-12 or a rule or order established by the board under this section, the board may impose a civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation. Penalties collected under this section shall be deposited in the accountant investigative fund established by IC 25-2.1-8-4.

SECTION 21. IC 25-15-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The funeral service education fund is established for the following purposes:

(1) To supplement the funding for a program of inspection administered by the funeral director, consumer, and state department of health members of the board under section 9 of this chapter.

(2) To fund educational projects of the funeral director, consumer, and state department of health members of the board directed toward funeral directors and embalmers.

(3) To carry out the duties of the board.

(b) The fund shall be administered by the funeral director, consumer, and state department of health members of the board.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the amount of money in the fund at the close of a fiscal year exceeds forty thousand dollars (\$40,000), the treasurer of state shall transfer the excess from the fund into the state



1 general fund.

2 SECTION 22. IC 25-20.2-5-2, AS AMENDED BY P.L.216-2007,
3 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 2. (a) An individual who applies for a license as
5 a home inspector must do the following:

6 (1) Furnish evidence satisfactory to the board showing that the
7 individual:

- 8 (A) is at least eighteen (18) years of age;
- 9 (B) has graduated from high school or earned an Indiana
10 general educational development (GED) diploma; and
- 11 (C) has not been:
 - 12 (i) convicted of an act that would constitute a ground for
13 disciplinary sanction under IC 25-1-11;
 - 14 (ii) convicted of a crime that has a direct bearing on the
15 individual's ability to perform competently and fully as a
16 licensee;
 - 17 (iii) listed on a national or state registry of sex or violent
18 offenders; or
 - 19 (iv) the subject of a disciplinary or enforcement action by
20 another state or a local jurisdiction in connection with the
21 performance of home inspections or the licensing or
22 certification of home inspectors.

23 (2) Verify the information submitted on the application form.

24 (3) Complete a board approved training program or course of
25 study involving the performance of home inspections and the
26 preparation of home inspection reports and pass an examination
27 prescribed or approved by the board.

28 (4) Submit to the board a certificate of insurance or other
29 evidence of financial responsibility that is acceptable to the board
30 and that:

- 31 (A) is issued by an insurance company or other legal entity
32 authorized to transact business in Indiana;
- 33 (B) provides for general liability coverage of at least one
34 hundred thousand dollars (\$100,000);
- 35 ~~(C) lists the state as an additional insured;~~
- 36 ~~(D)~~ (C) states that cancellation and nonrenewal of the
37 underlying policy or other evidence of financial responsibility
38 is not effective until the board receives at least ten (10) days
39 prior written notice of the cancellation or nonrenewal; and
- 40 ~~(E)~~ (D) contains any other terms and conditions established by
41 the board.

42 (5) Pay a licensing fee established by the board.



(b) An individual applying for a license as a home inspector must apply on a form prescribed and provided by the board.

SECTION 23. IC 25-21.8-4-2, AS AMENDED BY P.L.107-2012, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. An individual who applies for certification as a massage therapist must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

(A) is at least eighteen (18) years of age;

(B) has a high school diploma or the equivalent of a high school diploma;

(C) has successfully completed a massage therapy school or program that:

(i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on massage therapy;

(ii) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and

(iii) is accredited by the state workforce innovation council under IC 22-4.1-21 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

(D) has taken and passed a certification examination approved by the board.

(2) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for certification if the applicant:

(A) has been convicted of:

(i) prostitution;

(ii) rape; or

(iii) sexual misconduct; or

(B) is a registered sex offender.

(3) Provide proof that the applicant **currently** has professional liability insurance. ~~in force that lists the state as an additional insured.~~

(4) Verify the information submitted on the application form.

(5) Pay fees established by the board.

SECTION 24. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013, SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION



284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person who *knowingly*
 or *intentionally* violates this article by unlawfully practicing medicine
 or osteopathic medicine commits a **Class C felony (for a crime**
committed before July 1, 2014) or a Level 5 felony (for a crime
committed after June 30, 2014).

(b) A person who, ~~before January~~ **July 1, 2014, 2015**, practices
 midwifery without the license required under this article commits a
Class D felony (for a crime committed before July 1, 2014) or a
Level 6 felony (for a crime committed after June 30, 2014).

(c) A person who *knowingly or intentionally* acts as a physician
 assistant without the license required under IC 25-27.5 commits a
Class D felony (for a crime committed before July 1, 2014) or a
Level 6 felony (for a crime committed after June 30, 2014).

SECTION 25. IC 25-23.4-3-1, AS ADDED BY P.L.232-2013,
 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 UPON PASSAGE]: Sec. 1. (a) This section does not apply to an
 individual who has a license under IC 25-23-1-13.1 to practice
 midwifery as a certified nurse midwife and is practicing within the
 scope of that license.

(b) After July 1, 2014, an individual may not engage in the practice
 of midwifery unless:

- (1) the individual is issued a certificate by a board under
 IC 25-1-5 and is acting within the scope of the person's license; or
- (2) the individual has a certified direct entry midwife certificate
 under this article and has a collaborative agreement with a
 physician as set forth in this article.

(c) To become certified as a certified direct entry midwife, an
 applicant must satisfy the following requirements:

- (1) Be at least twenty-one (21) years of age.
- (2) Possess at least:
 - (A) an associate degree in nursing, associate degree in
 midwifery accredited by the Midwifery Education
 Accreditation Council (MEAC), or other similar science
 related associate degree; or
 - (B) a bachelor's degree;
 from a postsecondary educational institution.
- (3) Satisfactorily complete educational curriculum approved by:
 - (A) the Midwifery Education Accreditation Council (MEAC)
 or a successor organization; or
 - (B) the educational equivalent of a Midwifery Education
 Accreditation Council curriculum approved by the board.



(4) Acquire and document practical experience as outlined in the Certified Professional Midwife credentialing process in accordance with the standards of the North American Registry of Midwives or a successor organization.

(5) Obtain certification by an accredited association in adult cardiopulmonary resuscitation that is approved by the board.

(6) Complete the program sponsored by the American Academy of Pediatrics in neonatal resuscitation, excluding endotracheal intubation and the administration of drugs.

(7) Comply with the birth requirements of the Certified Professional Midwife credentialing process, observe an additional twenty (20) births, be directly supervised by a physician for twenty (20) births, assist with an additional twenty (20) births, and act as the primary attendant for an additional twenty (20) births.

(8) Provide proof to the board that the applicant has obtained the Certified Professional Midwife credential as administered by the North American Registry of Midwives or a successor organization.

(9) Present additional documentation or certifications required by the board. The board may adopt standards that require more training than required by the North American Registry of Midwives.

(10) Maintain sufficient liability insurance.

(d) The board may exempt an applicant from the following:

(1) The education requirements in subsection (c)(2) if the applicant provides proof to the board that the applicant is enrolled in a program that will satisfy the requirements of subsection (c)(2). An exemption under this subdivision applies for an individual for not more than two (2) years. This subdivision expires June 30, 2016.

(2) The education requirements in subsection (c)(3) if the applicant provides:

(A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and

(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires ~~June 30, 2014~~. **June 30, 2015.**

(3) The requirement that a physician directly supervise twenty (20) births in subsection (c)(7) if the applicant provides:

(A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and



(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires ~~June 30, 2014~~; **June 30, 2015**.

SECTION 26. IC 25-23.4-3-7, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife.

(b) After ~~July 1, 2014~~, **June 30, 2015**, an individual who knowingly or intentionally practices midwifery without a certificate required under this article commits a ~~Class D felony~~ **Level 6 felony (for a crime committed after June 30, 2014)**.

SECTION 27. IC 25-26-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A nonresident pharmacy must register with the board. To register with the board, a nonresident pharmacy must submit the following to the board:

(1) A verified statement that the nonresident pharmacy is licensed, certified, or registered to operate in the state in which the pharmacy is located.

(2) The location, names, and titles of all principal corporate officers and pharmacists who are dispensing drugs to residents of Indiana. This disclosure must be made on an annual basis. The nonresident pharmacy must notify the board within thirty (30) days after any change of office location, corporate officer, or pharmacist in charge.

(3) A verified statement that the nonresident pharmacy complies with all lawful requests for information from the regulatory or licensing agency of all states in which it is licensed.

(4) The latest inspection report or an equivalent document approved by the board, from the licensing authority of the state in which the nonresident pharmacy is located. However, if the nonresident pharmacy has not been inspected within the last three hundred sixty-five (365) days by the state in which the nonresident pharmacy and licensing authority are domiciled, or if the board determines that the home state inspection is not substantially equivalent to an Indiana inspection or is not available, an inspection report from a:

(A) third party;

(B) healthcare accreditation body; or

(C) pharmacy accreditation body;

that is approved by the board, must be obtained and submitted by the nonresident pharmacy.



~~(4)~~ (5) Information requested and deemed necessary by the board to carry out this chapter.

~~(5)~~ (6) The fee required by IC 25-1-8 which shall be reasonable and not exceed the costs to the board.

SECTION 28. IC 25-28.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The plumbers recovery fund is established for:

(1) the purpose set out in this chapter; and

(2) **carrying out the duties of the Indiana plumbing commission.**

The fund shall be administered by the **Indiana** plumbing commission.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund, except as provided in section 2.2 of this chapter.

SECTION 29. IC 25-30-1-15, AS AMENDED BY P.L.185-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) An applicant for a private investigator firm license shall submit to the board a certificate of insurance or other evidence of financial responsibility that:

(1) is approved by the board; and

(2) meets the following requirements:

(A) Is issued by an insurance company or other legal entity authorized to transact business in Indiana.

(B) Provides for general liability coverage of at least one hundred thousand dollars (\$100,000).

~~(C) Lists the state as an additional insured.~~

~~(D)~~ (C) States that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives written notice at least ten (10) days before the cancellation or nonrenewal of the policy.

~~(E)~~ (D) Contains any other terms and conditions established by the board.

(b) The insurance referred to in subsection (a):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a private investigator firm;



(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(c) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(d) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements of this section for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

SECTION 30. IC 25-30-1.3-16, AS ADDED BY P.L.185-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) An applicant for a security guard agency license must submit to the board a certificate of insurance or other evidence of financial responsibility that:

(1) is approved by the board; and

(2) meets the following requirements:

(A) Is issued by an insurance company or other legal entity authorized to transact business in Indiana.

(B) Provides for general liability coverage of at least one hundred thousand dollars (\$100,000).

~~(C) Lists the state as an additional insured.~~

~~(D)~~ (C) States that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives at least ten (10) days prior written notice of the cancellation or nonrenewal of the policy.

~~(E)~~ (D) Contains any other terms and conditions established by



- 1 the board.
- 2 (b) The insurance referred to in subsection (a):
- 3 (1) must cover damages that the insured becomes legally
- 4 obligated to pay for bodily injury or property damage proximately
- 5 caused to a person by the insured in conducting business as a
- 6 security guard agency;
- 7 (2) must include coverage for:
- 8 (A) false arrest, detention, or imprisonment;
- 9 (B) malicious prosecution; and
- 10 (C) wrongful entry or eviction or other invasion of the right of
- 11 private occupancy; and
- 12 (3) may not exclude coverage for an intentional act taken by or at
- 13 the direction of the insured that results in bodily injury, if the
- 14 injury arises solely from the use of reasonable force to protect
- 15 persons or property.
- 16 (c) If a licensee fails to comply with the insurance requirements of
- 17 this section, the license of the licensee shall be suspended. A license
- 18 suspended under this subsection may not be reinstated until an
- 19 application for reinstatement of the license, in the form prescribed by
- 20 the board, is filed with the board, together with proper proof of
- 21 insurance.
- 22 (d) The board may deny an application for the reinstatement of a
- 23 license suspended under this section, notwithstanding the applicant's
- 24 compliance with the insurance requirements of this section for any of
- 25 the following:
- 26 (1) Any reason that would justify a refusal to issue, a suspension,
- 27 or a revocation of a license.
- 28 (2) The performance by the applicant, while the applicant's
- 29 license was suspended under this section, of any practice for
- 30 which a license under this chapter is required.
- 31 SECTION 31. IC 25-38.1-1-10.7 IS ADDED TO THE INDIANA
- 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2014]: **Sec. 10.7. "PAVE certificate" means**
- 34 **a certificate issued by the Program for the Assessment of**
- 35 **Veterinary Medical Education Equivalence, indicating that the**
- 36 **holder has demonstrated knowledge and skill equivalent to that**
- 37 **possessed by a graduate of an accredited college of veterinary**
- 38 **medicine.**
- 39 SECTION 32. IC 25-38.1-3-1, AS AMENDED BY P.L.177-2009,
- 40 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2014]: Sec. 1. (a) A person may not practice veterinary
- 42 medicine in Indiana unless the person:



- 1 (1) is licensed as a veterinarian in Indiana; or
- 2 (2) holds a special permit issued by the board.
- 3 (b) The following persons are exempt from the licensing or special
- 4 permit requirements of this chapter:
- 5 (1) A veterinarian on the faculty of the School of Veterinary
- 6 Medicine at Purdue University performing regular duties, or a
- 7 veterinarian employed by the animal disease diagnostic laboratory
- 8 established by IC 21-46-3-1 performing regular duties.
- 9 (2) A veterinary medical officer serving in the United States
- 10 armed forces or veterinarian employed by a federal, state, or local
- 11 government agency performing veterinary medical services that
- 12 are within the scope of official duties and are performed during
- 13 the period of the person's service.
- 14 (3) An individual who is a regular student in an accredited college
- 15 of veterinary medicine performing duties or actions assigned by
- 16 the faculty of the School of Veterinary Medicine at Purdue
- 17 University or working under the direct supervision of a licensed
- 18 veterinarian.
- 19 (4) An extern.
- 20 (5) A veterinarian who is licensed and is a resident in another
- 21 state or country and consults with a veterinarian licensed under
- 22 this article.
- 23 (6) An owner or a contract operator of an animal or a regular
- 24 employee of the owner or a contract operator caring for and
- 25 treating an animal, except where the ownership of the animal was
- 26 transferred for purposes of circumventing this chapter.
- 27 (7) A guest lecturing or giving instructions or demonstrations at
- 28 the School of Veterinary Medicine at Purdue University, or
- 29 elsewhere, in connection with a continuing education program.
- 30 (8) An individual while engaged in bona fide scientific research
- 31 that:
- 32 (A) reasonably requires experimentation involving animals;
- 33 and
- 34 (B) is conducted in a facility or with a company that complies
- 35 with federal regulations regarding animal welfare.
- 36 (9) A graduate of a foreign college of veterinary medicine who is
- 37 in the process of obtaining an ECFVG certificate **or a PAVE**
- 38 **certificate** and who is under the direct supervision of:
- 39 (A) the faculty of the School of Veterinary Medicine at Purdue
- 40 University; or
- 41 (B) a veterinarian licensed under this article.
- 42 (10) A veterinarian who is enrolled in a postgraduate instructional



program in an accredited college of veterinary medicine performing duties or actions assigned by the faculty of the School of Veterinary Medicine at Purdue University.

(11) A member in good standing of another licensed or regulated profession within Indiana who:

(A) provides assistance requested by a veterinarian licensed under this article;

(B) acts with the consent of the client;

(C) acts within a veterinarian-client-patient relationship; and

(D) acts under the direct or indirect supervision of the licensed veterinarian.

SECTION 33. IC 25-38.1-3-3, AS ADDED BY P.L.2-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) As used in this subsection, "term" refers to an academic semester, trimester, or quarter. A person desiring a license to practice veterinary medicine shall make written application to the board. The application must state that the applicant is:

(1) a graduate of an accredited college of veterinary medicine; or

(2) enrolled in the last term of the last year of the veterinary medical curriculum of an accredited school of veterinary medicine.

If the applicant is enrolled as a last term student as described in subdivision (2), a letter from the dean of the student's veterinary school confirming that the applicant is a last term student, attesting to the satisfactory academic standing of the student, and stating the date on which the degree is expected to be conferred upon the student must accompany the application. A license to practice veterinary medicine in Indiana may not be issued until satisfactory proof has been furnished to the board either that the applicant has graduated from an accredited college of veterinary medicine, or that the applicant is the holder of an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate **or a PAVE certificate**. The application must show reasonable information and proof required by the board by rule. The application must be accompanied by the required fee.

(b) If the board determines that the applicant possesses the proper qualifications, the board may grant the applicant a license. If the board determines that the applicant is not qualified to take the examination or that the applicant does not qualify for a license without examination, the executive secretary of the board shall immediately notify the applicant in writing of the finding and the grounds for the finding. Applicants found unqualified may request a hearing on the question of their qualifications.



SECTION 34. IC 25-38.1-3-5, AS ADDED BY P.L.2-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The board may issue a license without an examination to a qualified applicant who:

(1) furnishes satisfactory proof that the applicant:

(A) is a graduate of an accredited college of veterinary medicine; ~~or~~

(B) holds an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate; ~~or~~

(C) holds a PAVE certificate;

(2) for the five (5) years immediately preceding filing an application has been a practicing veterinarian licensed in a state, territory, or district of the United States that has license requirements substantially equivalent to the requirements of this chapter; and

(3) otherwise meets the requirements of this chapter.

SECTION 35. IC 30-2-13-29, AS AMENDED BY P.L.65-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) Money in the fund may be used to provide restitution to a seller who performs a defaulted contract, to a purchaser, or to a purchaser's estate for pecuniary loss arising from a trust or an escrow required by:

(1) this chapter;

(2) IC 23-14-49-1;

(3) IC 30-2-9; or

(4) IC 30-2-10.

The repeal of a statute cited in this subsection does not terminate the ability of a party to a contract made under the repealed statute to receive restitution under this chapter.

(b) The purchaser, seller, or other interested person must request restitution by filing a verified complaint with the board.

(c) The board may investigate any verified complaint. Within ~~sixty~~ **one hundred eighty (180)** days after a verified complaint is filed, the board shall determine if a seller has defaulted on a contract. If the seller's obligation to perform under the contract cannot be collected from the seller, the board ~~shall~~ **may** order the auditor of state to make restitution from the fund.

(d) The amount of restitution may not exceed the gross amount of the original contract plus interest, compounded annually, on the gross amount that is figured, for each year or part of a year for which restitution is owed, using the lesser of:

(1) the rate set forth in IC 24-4.6-1-101 in effect on January 1 of



each year; or

(2) the monthly average yield on United States Treasury Securities for the month of January of each year, adjusted to a constant maturity of one (1) year, as published by the Federal Reserve.

(e) The fund may not be charged with court costs or the payment of legal or other fees. In computing the amount of restitution, the board shall give credit for:

(1) merchandise delivered; and

(2) resources still existing in trust.

~~(e)~~ (f) When restitution is paid from the fund, the fund is subrogated to the amount of the restitution, and the board shall ask the attorney general to take all reasonable steps to collect the subrogated amount from the seller. Any amount collected shall be deposited in the fund.

~~(f)~~ (g) Money in the fund may only be used for a purpose that is specified in this section.

~~(g)~~ (h) The payment of restitution from the fund is not a right, and a purchaser does not have a vested right in the fund as a beneficiary of the fund.

~~(h)~~ (i) The status of the fund shall be annually reviewed by the board. If the board determines during its annual review that the fund balance equals or exceeds two million five hundred thousand dollars (\$2,500,000), the board shall suspend payments to the fund until after the next annual review that the board determines that the fund balance is less than two million five hundred thousand dollars (\$2,500,000).

SECTION 36. IC 35-48-7-13.1, AS AMENDED BY P.L.114-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13.1. (a) The controlled substances data fund is established to fund the ~~operation~~ **administration** of the INSPECT program. The fund shall be administered by the Indiana professional licensing agency.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of grants, public and private financial assistance, and the controlled substances registration fees imposed under rules adopted under IC 35-48-3-1.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 37. [EFFECTIVE JULY 1, 2014] (a) **As used in this SECTION, "agency" refers to the Indiana professional licensing**



1 agency.

2 (b) Before October 1, 2014, the agency shall submit a report to
3 the legislative council in an electronic format under IC 5-14-6 to
4 establish a process to allow individuals employed in an occupation
5 who meet certain requirements to certify to the agency the
6 individual's qualifications to be included on a list maintained by
7 the agency.

8 (c) The report required in subsection (b) must include the
9 following:

- 10 (1) Occupations that may be included on the list.
11 (2) Whether to provide title protection for the individuals
12 included on the list.
13 (3) Enforcement provisions that would be used.
14 (4) A description of auditing and maintenance of the list.
15 (5) The cost of establishing and maintaining a list.
16 (6) The cost of an individual applying for and renewing
17 inclusion on the list.

18 (d) This SECTION expires December 31, 2014.

19 SECTION 38. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred Senate Bill No. 421, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:
 "SECTION 1. IC 6-1.1-35.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 35.7. Assessor, Appraiser, and Tax Representative Standards of Conduct

Sec. 1. As used in this chapter, "appraiser" has the meaning set forth in IC 6-1.1-31.7-1.

Sec. 2. As used in this chapter, "tax representative" means a person who represents another person at a proceeding before the property tax assessment board of appeals or the department. The term does not include:

- (1) the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) that is the subject of the appeal;
- (2) a permanent full-time employee of the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) who is the subject of the appeal;
- (3) a representative of a local unit of government appearing on behalf of the unit;
- (4) a certified public accountant, when the certified public accountant is representing a client in a matter that relates only to personal property taxation; or
- (5) an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted leave by the department to appear pro hac vice.

Sec. 3. (a) An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall adhere to the Uniform Standards of Professional Appraisal Practice in the performance of the individual's duties.

(b) An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall not do any of the following:

- (1) Conduct an assessment that includes the reporting of a predetermined opinion or conclusion.



- (2) Misrepresent the individual's role when providing valuation services that are outside the practice of property assessment.
- (3) Communicate assessment results with the intent to mislead or defraud.
- (4) Communicate a report that the individual knows is misleading or fraudulent.
- (5) Knowingly permit an employee or other person to communicate a misleading or fraudulent report.
- (6) Engage in criminal conduct.
- (7) Willfully or knowingly violate the requirements of IC 6-1.1-35-9.
- (8) Perform an assessment in a grossly negligent manner.
- (9) Perform an assessment with bias.
- (10) Advocate for an assessment. However, this subdivision does not prevent a township assessor, a county assessor, an employee of the county assessor or township assessor, or an appraiser from defending or explaining the accuracy of an assessment and any corresponding methodology used in the assessment at a preliminary informal hearing, during settlement discussions, at a public hearing, or at the appellate level.

Sec. 4. (a) A township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser:

- (1) must be competent to perform a particular assessment;
- (2) must acquire the necessary competency to perform the assessment; or
- (3) shall contract with an appraiser who demonstrates competency to do the assessment.

(b) The department may revoke the certification of a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser under 50 IAC 15 for gross incompetence in the performance of an assessment.

Sec. 5. (a) The department may revoke a certification issued under 50 IAC 15 for not more than three (3) years if the department determines by a preponderance of the evidence that the township assessor, county assessor, employee of the township assessor or county assessor, or appraiser violated any provision of this chapter.

(b) If an appraiser's certification is revoked:

- (1) any contract for appraisal of property in Indiana that the appraiser has entered into is void; and



(2) the appraiser may not receive any additional payments under the contract.

(c) A contract entered into by an appraiser for appraisal of property in Indiana must contain a provision specifying that the contract is void if the appraiser's certification is revoked under this chapter.

Sec. 6. A tax representative may not do any of the following:

(1) Use or participate in the use of any false, fraudulent, unduly influencing, coercive, unfair, misleading, or deceptive statement or claims with respect to any matter relating to the practice before the property tax assessment board of appeals or the department.

(2) Knowingly misrepresent any information or act in a fraudulent manner.

(3) Prepare documents or provide evidence in a property assessment appeal unless the representative is authorized by the property owner (or person liable for the taxes under IC 6-1.1-2-4) to do so and any required authorization form has been filed.

(4) Knowingly submit false or erroneous information in a property assessment appeal.

(5) Knowingly fail to use the appraisal standards and methods required by rules adopted by the department, Indiana board, or property tax assessment board of appeals when the representative submits appraisal information in a property assessment appeal.

(6) Knowingly fail to notify the property owner (or person liable for the taxes under IC 6-1.1-2-4) of all matters relating to the review of the assessment of taxpayers' property before the property tax assessment board of appeals or the department, including, but not limited to, the following:

(A) The tax representative's filing of all necessary documents, correspondence, and communications with the property tax assessment board of appeals or department.

(B) The dates and substance of all hearings, onsite inspections, and meetings.

Sec. 7. The department may revoke the certification of a tax representative for the following:

(1) Violation of any rule applicable to certification or practice before the property tax assessment board of appeals, the department, or the Indiana board.

(2) Gross incompetence in the performance of practicing



before the property tax assessment board of appeals, the department, or the Indiana board.

(3) Dishonesty, fraud, or material deception committed while practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(4) Dishonesty, fraud, material deception, or breach of fiduciary duty committed against the tax representative's employer or business associates.

(5) Violation of the standards of ethics or rules of solicitation adopted by the department."

Delete page 2.

Page 3, delete lines 1 through 30.

Page 4, line 24, reset in roman "The attorney general or the attorney general's designee,".

Page 4, line 24, after "designee," insert "**as a nonvoting member.**".

Page 4, line 24, delete "An", begin a new line block indented and insert:

"(4) An".

Page 4, line 30, strike "(4)" and insert "**(5)**".

Page 4, line 32, strike "(5)" and insert "**(6)**".

Page 4, line 34, strike "(a)(4) or".

Page 4, line 35, after "(a)(5)" insert "**or (a)(6)**".

Page 4, line 40, delete "(a)(4) or (a)(5)" and insert "**(a)(5) or (a)(6)**".

Page 6, line 5, after "must" insert "**not**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 421 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 0.



SENATE MOTION

Madam President: I move that Engrossed Senate Bill 421, which is eligible for third reading, be returned to second reading for purposes of amendment.

HEAD

 SENATE MOTION

Madam President: I move that Senate Bill 421 be amended to read as follows:

Page 4, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 2. IC 23-14-31-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 45. (a) After completion of the cremation process, if a crematory authority existing on cemetery property has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the funeral director of record not later than thirty (30) days after the date of cremation. ~~The delivery may be made in person or by registered mail.~~ After delivery of the cremated remains, the crematory authority is discharged from any legal obligation or liability concerning the disposition of the cremated remains.

(b) A funeral director may hold remains returned by a crematory authority for not longer than sixty (60) days from the date of cremation and may dispose of the remains as previously arranged, or if no arrangement has been made, at the end of sixty (60) days, in any legal manner.

(c) A funeral director and crematory authority shall observe religious practices or preferences specified by the authorizing agent."

Renumber all SECTIONS consecutively.

(Reference is to SB 421 as printed January 24, 2014.)

HEAD



SENATE MOTION

Madam President: I move that Senate Bill 421 be amended to read as follows:

Page 13, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 20. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013, SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION 284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person who *knowingly or intentionally* violates this article by unlawfully practicing medicine or osteopathic medicine commits a **Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).**

(b) A person who, *before January 1, 2014*, **2015**, practices midwifery without the license required under this article commits a **Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014).**

(c) A person who *knowingly or intentionally* acts as a physician assistant without the license required under IC 25-27.5 commits a **Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014).**

SECTION 21. IC 25-23.4-3-1, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife and is practicing within the scope of that license.

(b) After July 1, 2014, an individual may not engage in the practice of midwifery unless:

- (1) the individual is issued a certificate by a board under IC 25-1-5 and is acting within the scope of the person's license; or
- (2) the individual has a certified direct entry midwife certificate under this article and has a collaborative agreement with a physician as set forth in this article.

(c) To become certified as a certified direct entry midwife, an applicant must satisfy the following requirements:

- (1) Be at least twenty-one (21) years of age.
- (2) Possess at least:
 - (A) an associate degree in nursing, associate degree in midwifery accredited by the Midwifery Education Accreditation Council (MEAC), or other similar science related associate degree; or



- (B) a bachelor's degree;
from a postsecondary educational institution.
- (3) Satisfactorily complete educational curriculum approved by:
 - (A) the Midwifery Education Accreditation Council (MEAC)
or a successor organization; or
 - (B) the educational equivalent of a Midwifery Education
Accreditation Council curriculum approved by the board.
- (4) Acquire and document practical experience as outlined in the
Certified Professional Midwife credentialing process in
accordance with the standards of the North American Registry of
Midwives or a successor organization.
- (5) Obtain certification by an accredited association in adult
cardiopulmonary resuscitation that is approved by the board.
- (6) Complete the program sponsored by the American Academy
of Pediatrics in neonatal resuscitation, excluding endotracheal
intubation and the administration of drugs.
- (7) Comply with the birth requirements of the Certified
Professional Midwife credentialing process, observe an additional
twenty (20) births, be directly supervised by a physician for
twenty (20) births, assist with an additional twenty (20) births,
and act as the primary attendant for an additional twenty (20)
births.
- (8) Provide proof to the board that the applicant has obtained the
Certified Professional Midwife credential as administered by the
North American Registry of Midwives or a successor
organization.
- (9) Present additional documentation or certifications required by
the board. The board may adopt standards that require more
training than required by the North American Registry of
Midwives.
- (10) Maintain sufficient liability insurance.
- (d) The board may exempt an applicant from the following:
 - (1) The education requirements in subsection (c)(2) if the
applicant provides proof to the board that the applicant is enrolled
in a program that will satisfy the requirements of subsection
(c)(2). An exemption under this subdivision applies for an
individual for not more than two (2) years. This subdivision
expires June 30, 2016.
 - (2) The education requirements in subsection (c)(3) if the
applicant provides:
 - (A) proof to the board that the applicant has delivered over one
hundred (100) births as a primary attendant; and



(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires ~~June 30, 2014~~; **December 31, 2014**.

(3) The requirement that a physician directly supervise twenty (20) births in subsection (c)(7) if the applicant provides:

(A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and

(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires ~~June 30, 2014~~; **December 31, 2014**.

SECTION 22. IC 25-23.4-3-7, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife.

(b) After ~~July 1, 2014~~, **December 31, 2014**, an individual who knowingly or intentionally practices midwifery without a certificate required under this article commits a ~~Class D felony~~ **Level 6 felony (for a crime committed after June 30, 2014)**."

Page 21, after line 40, begin a new paragraph and insert:

"SECTION 34. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 421 as reprinted January 29, 2014.)

MILLER PATRICIA

SENATE MOTION

Madam President: I move that Senate Bill 421 be amended to read as follows:

Page 17, delete lines 5 through 30.

Renumber all SECTIONS consecutively.

(Reference is to SB 421 as printed January 29, 2014.)

MERRITT



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 421, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, line 26, delete "application," and insert "**application**".

Page 8, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 14. IC 25-2.1-1-3.8, AS AMENDED BY P.L.190-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.8. "Attest" means to provide any of the following financial statement services:

- (1) An audit or other engagement performed in accordance with the AICPA Statements on Auditing Standards (SAS) or other similar standards adopted by reference under IC 25-2.1-2-15.
- (2) A review of a financial statement performed in accordance with the AICPA Statements on Standards for Accounting and Review Services (SSARS) or other similar standards adopted by reference under IC 25-2.1-2-15.
- (3) An examination of prospective financial information performed in accordance with the AICPA Statements on Standards for Attestation Engagements (SSAE) or other similar standards adopted by reference under IC 25-2.1-2-15.
- (4) An engagement performed in accordance with the standards of the Public Company Accounting Oversight Board.
- (5) An examination, a review, or an agreed upon procedure to be performed in accordance with the SSAE, other than an examination described in subdivision (3).**

SECTION 15. IC 25-2.1-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) "Report", when used with reference to ~~financial statements~~, **any attest or compilation service**, means an opinion, **report**, or other form of language that states or implies assurance as to the reliability of ~~any the attested information or compiled~~ financial statements and that also includes or is accompanied by any statement or implication that the individual or firm issuing it has special knowledge or competence in accounting or auditing. The statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the individual is an accountant or auditor or from the language of the report.

- (b) The term includes any form of language that disclaims an



opinion when the form of the language is conventionally understood to imply any positive assurance as to:

- (1) the reliability of the **attested information or compiled** financial statements referred to; or
- (2) special competence on the part of the individual or firm issuing the language.

(c) The term includes any other form of language that is conventionally understood to imply an assurance or special knowledge or competence described in subsection (b).

SECTION 16. IC 25-2.1-2-4, AS AMENDED BY P.L.190-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A member of the board serves a term of three (3) years and until the member's successor is appointed and qualified.

(b) An individual may not serve more than ~~two (2)~~ **three (3)** complete terms. An appointment to fill an unexpired term is not a complete term.

(c) All terms expire on June 30.

SECTION 17. IC 25-2.1-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (c), to renew a certificate under this chapter an applicant must complete one hundred twenty (120) hours of continuing professional education during a three (3) year period with a minimum of twenty (20) hours each year.

(b) The board may prescribe the content, duration, and organization of continuing professional education courses that contribute to the general professional competence of the applicant.

(c) If a licensee desires to discontinue the practice of accountancy in Indiana, the licensee may select inactive **or retired** status on the renewal form. A licensee selecting inactive **or retired** status may renew a certificate under this chapter without completing the continuing professional education courses required by subsection (a).

(d) The board may establish the following:

- (1) Prorated continuing professional education requirements to be met by applicants whose initial certificates were issued substantially less than three (3) years before the renewal date.
- (2) Special lesser requirements to be met by applicants for certificate renewal whose prior certificates lapsed substantially before their applications for renewal or for an inactive **or retired** licensee who wishes to reactivate the licensee's license, when it would be inequitable to require a full compliance with all requirements of continuing professional education that would



have been applicable to the period of lapse.

SECTION 18. IC 25-2.1-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An applicant for initial issuance or renewal of a permit to practice under this chapter must show that:

- (1) a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to holders of an active CPA certificate issued under this article or a corresponding certificate that is issued after examination by another state; and
- (2) the partners, officers, shareholders, members, or managers whose principal place of business is in Indiana and who practice accountancy in Indiana hold a valid CPA certificate issued under this article.

(b) For firms of public accountants, at least a simple majority of ownership of the firm, in terms of financial interests and voting rights, must belong to public accountants certified under IC 25-2.1-6.

(c) A firm issued a permit under this section may include nonlicensee owners if:

- (1) the firm designates a licensee who is responsible for the proper registration of the firm and identifies that individual to the board;
- (2) all nonlicensee owners are active individual participants in the CPA or PA firm or affiliated entities; and
- (3) the firm complies with the other requirements that the board may impose by rule.

(d) An individual licensee who is responsible for supervising attest or compilation services and signs or authorizes an individual to sign the accountant's report ~~on the financial statements~~ on behalf of the firm shall meet the competency requirements set out in the professional standards adopted by the board for the services.

(e) An individual licensee who signs or authorizes an individual to sign the accountant's report ~~on the financial statements~~ on behalf of the firm shall meet the competency requirement of subsection (d).

SECTION 19. IC 25-2.1-8-4, AS ADDED BY P.L.190-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The accountant investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the Indiana professional licensing agency.

(b) The expenses of administering the fund shall be paid from the



money in the fund. The fund consists of:

- (1) money from a fee imposed upon a person who holds a certificate as an accounting practitioner, a CPA, or a PA under IC 25-2.1-2-12(b); ~~and~~
- (2) civil penalties collected under IC 25-2.1-13-3(b); **and**
- (3) civil penalties collected under IC 25-1-11-12.**

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the total amount in the fund exceeds ~~seven hundred fifty thousand dollars (\$750,000)~~ **one million dollars (\$1,000,000)** at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds ~~seven hundred fifty thousand dollars (\$750,000)~~ **one million dollars (\$1,000,000)** reverts to the state general fund.

(e) Money in the fund is continually appropriated to the Indiana professional licensing agency for its use in administering and enforcing this article and conducting investigations and taking enforcement action against persons violating this article.

(f) The attorney general and the Indiana professional licensing agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of this article.

(g) The attorney general and the Indiana professional licensing agency shall present the memorandum of understanding annually to the board for review.

SECTION 20. IC 25-2.1-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b), an individual or a firm not holding a valid CPA or public accountant certificate under this article or permit under IC 25-2.1-5 may not issue a report on financial **or attested** statements of another individual, member, organization, or governmental unit.

(b) Notwithstanding subsection (a):

- (1) an officer, a partner, or an employee of a firm or an organization may sign a statement or report in reference to the financial affairs of the firm or organization with any wording designating the position, title, or office that the signor holds; and
- (2) a public official or employee may, in the performance by an individual of other services, use accounting skills, including the preparation of tax returns, management advisory services, and the preparation of financial statements without the issuance of reports



related to those documents.

(c) A CPA or public accountant may not issue a report in standard form upon a compilation of financial information through any form of business that does not hold a valid permit issued under IC 25-2.1-5 unless the report discloses the name of the business through which the individual is issuing the report, and the individual:

- (1) signs the compilation report identifying the individual as a CPA or public accountant; and
- (2) meets the competency requirement provided in applicable standards.

SECTION 21. IC 25-2.1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual may not use the title or designation "certified public accountant", the abbreviation "CPA", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the individual is a certified public accountant unless the individual:

- (1) holds a valid CPA certificate;
- (2) meets the substantial equivalency standards of this article; or
- (3) is an employee of a firm holding a permit under IC 25-2.1-5 and has not been an employee long enough to meet the experience requirement under IC 25-2.1-3-10 for a certificate.

(b) A licensee who has selected inactive status on the licensee's renewal form may not use the title or designation "certified public accountant" or the abbreviation "CPA" unless the title, designation, or abbreviation is immediately followed by the word "inactive".

(c) A licensee who has selected retired status on the renewal form of the licensee may not use the title or designation "certified public account" or the abbreviation "CPA" unless the title, designation, or abbreviation is immediately followed by the word "retired".

SECTION 22. IC 25-2.1-13-3, AS AMENDED BY P.L.190-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) An individual or a firm who knowingly violates IC 25-2.1-12 commits a Class A misdemeanor.

(b) If the board finds that an individual or a firm ~~knowingly~~ violates IC 25-2.1-12 or a rule or order established by the board under this section, the board may impose a civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation. Penalties collected under this section shall be deposited in the accountant investigative fund established by IC 25-2.1-8-4."

Delete page 9.

Page 10, delete lines 1 through 32.



Page 15, delete lines 23 through 42.

Page 23, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 34. [EFFECTIVE JULY 1, 2014] (a) As used in this SECTION, "agency" refers to the Indiana professional licensing agency.

(b) Before October 1, 2014, the agency shall submit a report to the legislative council in an electronic format under IC 5-14-6 to establish a process to allow individuals employed in an occupation who meet certain requirements to certify to the agency the individual's qualifications to be included on a list maintained by the agency.

(c) The report required in subsection (b) must include the following:

- (1) Occupations that may be included on the list.**
- (2) Whether to provide title protection for the individuals included on the list.**
- (3) Enforcement provisions that would be used.**
- (4) A description of auditing and maintenance of the list.**
- (5) The cost of establishing and maintaining a list.**
- (6) The cost of an individual applying for and renewing inclusion on the list.**

(d) This SECTION expires December 31, 2014."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 421 as reprinted January 31, 2014.)

GUTWEIN, Chair

Committee Vote: yeas 12, nays 0.



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 421 be amended to read as follows:

Page 15, line 39, strike "January" and insert "**July**".

Page 17, line 28, delete "December 31, 2014." and insert "**June 30, 2015.**".

Page 17, line 35, delete "December 31, 2014, and insert "**June 30, 2015.**".

Page 17, line 41, delete "December 31, 2014," and insert "**June 30, 2015,**".

(Reference is to ESB 421 as printed February 25, 2014.)

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 421 be amended to read as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

SECTION 1. IC 6-1.1-28-1, AS AMENDED BY P.L.182-2009(ss), SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Each county shall have a county property tax assessment board of appeals composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. At the election of the board of commissioners of the county, a county property tax assessment board of appeals may consist of three (3) or five (5) members appointed in accordance with this section.

(b) This subsection applies to a county in which the board of commissioners elects to have a five (5) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (g) and (h), the fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. **The fiscal body may waive the requirement in this subsection that one (1) of the members appointed by the fiscal body must be a**

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certified level two or level three assessor-appraiser. Subject to subsections (g) and (h), the board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) members may be of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

(c) This subsection applies to a county in which the board of commissioners elects to have a three (3) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (g) and (h), the fiscal body of the county shall appoint one (1) individual to the board. The member appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. **The fiscal body may waive the requirement in this subsection that the member appointed by the fiscal body must be a certified level two or level three assessor-appraiser.** Subject to subsections (d) and (e), the board of commissioners of the county shall appoint two (2) freehold members so that not more than two (2) of the three (3) members may be of the same political party and so that at least two (2) of the three (3) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

(d) A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor is a nonvoting member of the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the board that



includes at least one (1) certified level two or level three assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the whole board.

(e) The county assessor, county fiscal body, and board of county commissioners may agree to waive the requirement in subsection (b) or (c) that not more than three (3) of the five (5) or two (2) of the three (3) members of the county property tax assessment board of appeals may be of the same political party if it is necessary to waive the requirement due to the absence of certified level two or level three Indiana assessor-appraisers:

- (1) who are willing to serve on the board; and
- (2) whose political party membership status would satisfy the requirement in subsection (b) or (c).

(f) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

- (1) residents of the county;
- (2) certified level two or level three Indiana assessor-appraisers; and
- (3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) or two (2) of the three (3) members of the county property tax assessment board of appeals be residents of the county.

(g) Except as provided in subsection (f), the term of a member of the county property tax assessment board of appeals appointed under this section:

- (1) is one (1) year; and
- (2) begins January 1.

(h) If:

- (1) the term of a member of the county property tax assessment board of appeals appointed under this section expires;
- (2) the member is not reappointed; and
- (3) a successor is not appointed;

the term of the member continues until a successor is appointed.

(i) **An:**

- (1) **employee of the township assessor or county assessor; or**
- (2) **appraiser, as defined in IC 6-1.1-31.7-1;**

may not serve as a voting member of a county property tax assessment board of appeals in a county where the employee or appraiser is employed.



SECTION 2. IC 6-1.1-35.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 35.7. Assessor, Appraiser, and Tax Representative Standards of Conduct

Sec. 1. As used in this chapter, "appraiser" has the meaning set forth in IC 6-1.1-31.7-1.

Sec. 2. As used in this chapter, "tax representative" means a person who represents another person at a proceeding before the property tax assessment board of appeals or the department. The term does not include:

- (1) the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) that is the subject of the appeal;
- (2) a permanent full-time employee of the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) who is the subject of the appeal;
- (3) a representative of a local unit of government appearing on behalf of the unit;
- (4) a certified public accountant, when the certified public accountant is representing a client in a matter that relates only to personal property taxation; or
- (5) an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted leave by the department to appear pro hac vice.

Sec. 3. (a) An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall adhere to the Uniform Standards of Professional Appraisal Practice in the performance of the individual's duties.

(b) An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall not do any of the following:

- (1) Conduct an assessment that includes the reporting of a predetermined opinion or conclusion.
- (2) Misrepresent the individual's role when providing valuation services that are outside the practice of property assessment.
- (3) Communicate assessment results with the intent to mislead or defraud.
- (4) Communicate a report that the individual knows is misleading or fraudulent.



- (5) Knowingly permit an employee or other person to communicate a misleading or fraudulent report.**
- (6) Engage in criminal conduct.**
- (7) Willfully or knowingly violate the requirements of IC 6-1.1-35-9.**
- (8) Perform an assessment in a grossly negligent manner.**
- (9) Perform an assessment with bias.**
- (10) Advocate for an assessment. However, this subdivision does not prevent a township assessor, a county assessor, an employee of the county assessor or township assessor, or an appraiser from defending or explaining the accuracy of an assessment and any corresponding methodology used in the assessment at a preliminary informal hearing, during settlement discussions, at a public hearing, or at the appellate level.**

Sec. 4. (a) A township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser:

- (1) must be competent to perform a particular assessment;**
- (2) must acquire the necessary competency to perform the assessment; or**
- (3) shall contract with an appraiser who demonstrates competency to do the assessment.**

(b) The department may revoke the certification of a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser under 50 IAC 15 for gross incompetence in the performance of an assessment.

(c) An individual whose certification is revoked by the department under subsection (b) may appeal the department's decision to the certification appeal board established under subsection (d). A decision of the certification appeal board may be appealed to the tax court in the same manner that a final determination of the department may be appealed under IC 33-26.

(d) The certification appeal board is established for the sole purpose of conducting appeals under this section. The board consists of the following seven (7) members:

- (1) Two (2) representatives of the department appointed by the commissioner of the department.**
- (2) Two (2) individuals appointed by the governor. The individuals must be township or county assessors.**
- (3) Two (2) individuals appointed by the governor. The individuals must be licensed appraisers.**
- (4) One (1) individual appointed by the governor. The**



individual must be a resident of Indiana.

The commissioner of the department shall designate a member appointed under subdivision (1) as the chairperson of the board. Not more than four (4) members of the board may be members of the same political party. Each member of the board serves at the pleasure of the appointing authority.

(e) The certification appeal board shall meet as often as is necessary to properly perform its duties. Each member of the board is entitled to the following:

- (1) The salary per diem provided under IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
- (3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 5. (a) The department may revoke a certification issued under 50 IAC 15 for not more than three (3) years if the department determines by a preponderance of the evidence that the township assessor, county assessor, employee of the township assessor or county assessor, or appraiser violated any provision of this chapter.

(b) If an appraiser's certification is revoked:

- (1) any contract for appraisal of property in Indiana that the appraiser has entered into is void; and
- (2) the appraiser may not receive any additional payments under the contract.

(c) A contract entered into by an appraiser for appraisal of property in Indiana must contain a provision specifying that the contract is void if the appraiser's certification is revoked under this chapter.

Sec. 6. A tax representative may not do any of the following:

- (1) Use or participate in the use of any false, fraudulent, unduly influencing, coercive, unfair, misleading, or deceptive statement or claims with respect to any matter relating to the practice before the property tax assessment board of appeals or the department.
- (2) Knowingly misrepresent any information or act in a fraudulent manner.
- (3) Prepare documents or provide evidence in a property assessment appeal unless the representative is authorized by the property owner (or person liable for the taxes under



IC 6-1.1-2-4) to do so and any required authorization form has been filed.

(4) Knowingly submit false or erroneous information in a property assessment appeal.

(5) Knowingly fail to use the appraisal standards and methods required by rules adopted by the department, Indiana board, or property tax assessment board of appeals when the representative submits appraisal information in a property assessment appeal.

(6) Knowingly fail to notify the property owner (or person liable for the taxes under IC 6-1.1-2-4) of all matters relating to the review of the assessment of taxpayers' property before the property tax assessment board of appeals or the department, including, but not limited to, the following:

(A) The tax representative's filing of all necessary documents, correspondence, and communications with the property tax assessment board of appeals or department.

(B) The dates and substance of all hearings, onsite inspections, and meetings.

Sec. 7. The department may revoke the certification of a tax representative for the following:

(1) Violation of any rule applicable to certification or practice before the department, the Indiana board, or the property tax assessment board of appeals.

(2) Gross incompetence in the performance of practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(3) Dishonesty, fraud, or material deception committed while practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(4) Dishonesty, fraud, material deception, or breach of fiduciary duty committed against the tax representative's employer or business associates.

(5) Violation of the standards of ethics or rules of solicitation adopted by the department."

Delete pages 2 through 3.

Page 4, delete lines 1 through 30.

Renumber all SECTIONS consecutively.

(Reference is to ESB 421 as printed February 25, 2014.)

THOMPSON

